

10. (previously presented) A computer program stored in a record medium, computer memory, or read-only memory and comprising computer executable instructions which when executed cause a computer to perform the method according to claim 1.

11. Canceled.

### **REMARKS**

Reconsideration and allowance are respectfully requested.

Claims 1 and 5 are amended to further clarify that the positioning protocol is dynamically selected based on roaming capability information. Example support for the amendments can be found in the specification on page 6, line 36 to page 7, line 5.

Claims 1-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0003093 to Lundin in view of newly-applied U.S. Patent 6,411,632 to Lindgren or in view of page 3, lines 1-27 referred to as APA by the Examiner. This rejection is respectfully traversed.

Commonly-assigned Lundin discloses a communication system which communicates position requests and information over a communication channel. In response to receiving a position request from a first Public Land Mobile Network (PLMN) over a first communications channel, a second PLMN transmits position information related to the roaming mobile station to the first PLMN, preferably over the same first communication channel.

Independent claims 1 and 5 recite a method and system for obtaining position of a mobile station by first identifying the current network of the mobile base station and then dynamically selecting among at least two positioning protocols including an SS7-based positioning protocol and an IP-based positioning protocol a suitable positioning protocol for communication of

location information associated with the position of the mobile station with the current network based on the identity of the current network. The Examiner alleges that Lundin “teaches the use of a plurality of protocols, such as a positioning roaming protocol (PRP), IP based protocols, frame relay, ATM protocols etc, for supporting internetworking roaming and offering positioning services; and further teaches a mobile positioning center (MPC) tailors position information based on an underlying protocol according to a particular system or network requirement” making reference to [0023] and [0028-29]. Applicants respectfully disagree with the Examiner’s allegation.

Paragraphs [0023] and [0028-0029] disclose that a single positioning protocol, i.e., the positioning roaming protocol (PRP), supports inter-networking roaming and offers positioning services. Paragraph [0023] discloses that “[t]he present invention uses a positioning roaming protocol (PRP) for supporting inter-networking roaming.” Again, only one positioning protocol is described and used in Lundin. Although Lundin indicates that different level 2/3 protocols, which Lundin identifies as “underlying routing and transportation protocols” in [0023], may be used to carry the PRP information, Lundin does not describe these underlying protocols as positioning protocols. Nor does Lundin describe selecting between one of multiple alternative positioning protocols which one is PRP. The transport protocols are “dumb” with respect to the position information associated with the mobile station. They just carry frames of data regardless of their content. In [0023], Lundin states “the PRP does not depend on underlying routing and transportation protocols,” which makes clear that only one positioning protocol is envisioned by Lundin.

Regarding these underlying transport protocols, which are not described by as positioning protocols, there is a single static decision made by the operator regarding which underlying

protocol should be used to ensure an acceptable amount of delay. Hence, the underlying transport protocol is not “dynamically selected” based on roaming capability information.

Thus, Lundin suffers from the same problem as the prior art approaches described on page 3, lines 1-27: all the PLMNs involved when positioning a mobile terminal must be able to support the same positioning roaming protocol.

The Examiner admits that Lundin fails to teach selecting among at least two positioning protocols based on the identified current network, but relies on Lindgren or APA for this missing feature. Lindgren teaches converting generic signals being carried by the SS7 protocol to the TCP/IP protocol and vice versa. This is accomplished by replacing the MTP and SSCP layers of an SS7 protocol signal with a TCP/IP layer for transmissions from the SS7 network to the TCP/IP network, and by replacing a TCP/IP layer with MTP and SSCP layers for transmissions from the TCP/IP network to the SS7 network. But translating signals from one protocol to another is not the same as dynamically selecting a protocol—let alone a positioning protocol which is not described in Lundin—based on the current network where the mobile station is located.

Regarding the text on page 3, lines 1-22, Applicants do not find any description of the GMLC selecting between SS7 and IP protocols for communicating positioning data with a specific PLMN as asserted by the Examiner. Lines 1-13 describes one approach that just uses and requires different networks to use SS7. Lines 14-22 describes another different approach that just uses and requires different networks to use IP. There is selection being performed. The assumption and requirement in both approaches is that all the PLMNs involved when positioning a mobile terminal support the same positioning roaming protocol.

Thus, even if Lundin could be combined with Lindgren or one of the two approaches described on page 3, lines 1-22, that combination would still not teach "obtaining the position of a mobile station located in a current network of a communications system including a plurality of networks supporting different positioning protocols," where after "identifying at a location center the current network of said mobile station," there is a step of "dynamically selecting from among at least two positioning protocols including an SS7-based positioning protocol and an IP-based positioning protocol a suitable positioning protocol for communication with said current network of location information associated with the position of the mobile station" "based on said identified current network and roaming capability information." (Quotes from claim 1).

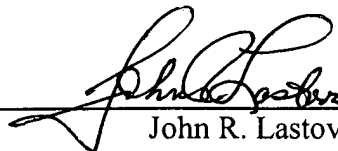
Nor does the rationale advanced by the Examiner reasonable since it mischaracterizes what Lindgren and the alleged APA disclose and simply parrots back the advantage described in the instant application.

The application is in condition for allowance. An early notice to that affect is earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



John R. Lastova  
Reg. No. 33,149

JRL:maa  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100